

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES A. SOUDER and LANA SOUDER Plaintiffs v. ALABAMA MOTOR EXPRESS, INC. and ERIC M. BRION Defendants	CIVIL ACTION NO.: 05-780
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**DEFENDANT ALABAMA MOTOR EXPRESS, INC.'S MOTION TO COMPEL
PLAINTIFFS JAMES AND LANA SOUDER'S DISCOVERY RESPONSES**

Defendant Alabama Motor Express, Inc. ("Alabama") moves pursuant to Local Civil Rule 26.1 (g) to compel Plaintiffs James A. Souder and Lana Souder's ("Plaintiffs") Discovery Responses, and in support, states:

1. On February 25, 2005, Alabama served Interrogatories, a Document Request and Authorizations for the Release of Plaintiffs' medical, employment and insurance claim records pursuant to Fed. R. Civ. P. 34. ("Discovery Requests")
2. To date, Plaintiffs have not responded to these discovery requests.
3. Local Civil Rule 26.1 (g) provides that:

A routine Motion to Compel Answers to Interrogatories or to Compel Compliance with a Request for Production under Fed. R. Civ. P. 34, wherein it is averred that no response or objection has been timely served, need have no accompanying brief and need have no copy of the Interrogatories or Rule 34 Request attached. The Court may summarily grant or deny such Motion without waiting for a response.

4. Plaintiffs' failure to provide timely responses to Alabama's Discovery Requests is unreasonably prejudicing Alabama's ability to review and analyze Plaintiffs' claims and to prepare a defense to those claims.

WHEREFORE, Defendant Alabama Motor Express, Inc., respectfully submits that it is entitled to entry of the attached proposed Order compelling Plaintiffs' Discovery Responses pursuant to Local Civil Rule 26.1 (g).

Respectfully submitted,

LAW OFFICES OF THOMAS J. WAGNER

By: /s/ Thomas J. Wagner
THOMAS J. WAGNER, ESQUIRE
CELESTE HARRISON, ESQUIRE
Attorneys for Defendant Alabama Motor Express,
Inc.

Dated: May 3, 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES A. SOUDER and LANA SOUDER **CIVIL ACTION**
Plaintiffs

NO.: 05-780

v.

ALABAMA MOTOR EXPRESS, INC.
and
ERIC M. BRION
Defendants

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Motion to Compel was served on the following counsel via First Class Mail, Postage Prepaid on the date noted below:

David B. Winkler, Esquire
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LAW OFFICES OF THOMAS J. WAGNER

By: /s/ Thomas J. Wagner
Thomas J. Wagner, Esquire
Celeste C. Harrison, Esquire
Attorneys for Defendant Alabama Motor Express,
Inc.

Dated: May 3, 2005

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v.

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CIVIL ACTION

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ORDER

AND NOW, on this _____ day of _____, 2005, upon consideration of Defendant, Alabama Motor Express, Inc.'s Motion to Compel Plaintiffs James and Lana Souder's Answers to Interrogatories, Response to Document Requests and Provision of Signed Authorizations for the release of their medical, employment and insurance claim records pursuant to Local Civil Rule 26.1 (g), it is hereby **ORDERED AND DECREED** that the Motion is granted and that Plaintiffs shall provide answers under oath to each of Defendant's Interrogatories, shall separately answer each Document Request and shall provide signed authorizations for the release of Plaintiffs' medical, employment and insurance claim records within ten days or Plaintiffs shall suffer further sanctions upon Defendant's application to this Court including preclusion of evidence and dismissal of claims.

BY THE COURT:

J.